

Nixon-Dean Tape to Go

Part 12/17/73

From News Dispatches

NEW YORK, Dec. 6—The White House agreed today to turn over to a federal judge in New York a complete tape recording involving John W. Dean, a key government witness in the pending trial of former Cabinet officers John Mitchell and Maurice Stans.

The agreement was reached after Judge Lee Gagliardi, who will preside at the trial, rejected as "not sufficient" a partial transcript he had received of the tape conversation last Feb. 28 between the President and Dean, the former White House counsel.

Gagliardi indicated that unless he was provided the complete tape recording, Dean could be excluded from testifying at the trial, which is scheduled to begin Jan. 9.

Assistant U.S. Attorney James W. Rayhill said he was informed tonight by White House special counsel J. Fred Buzhardt that a tape of the "entire conversation will be furnished Judge Gagliardi" for his private examination.

The tape will be turned over to the judge not later than Dec. 14, Rayhill said.

The judge will then determine if the matters contained on the tape are relevant to the issues at trial and if so, he could direct that a copy be provided the defense.

Dean, who pleaded guilty in Washington last Oct. 19 to charges of conspiracy to obstruct justice in the Watergate investigation, has testified that the conversation included a question by the President as to whether his brother, Donald Nixon,

was involved in the financial affairs of New Jersey financier Robert L. Vesco.

Vesco, the fugitive financier whose extradition the government is now seeking, is the central figure in the case. The government contends that Vesco made a secret \$200,000 cash payment to Mr. Nixon's re-election campaign in return for Mitchell and Stans trying to interfere in a government investigation of Vesco.

Attorneys for Mitchell and Stans, both former members of the Nixon Cabinet, had subpoenaed a number of White House tapes and documents.

Judge Gagliardi ruled in October that he would have to examine tapes of conversations between Dean and the President on April 15 and Feb. 2 to see if they

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were relevant to the case here.

The judge summoned the parties to court this afternoon and told the defense counsel that the government had given him a partial transcript, along with two affidavits from special White House counsel J. Fred Buzhardt.

One of the affidavits vouched for the authenticity of the transcript, the other insisted there was no April 15 tape.

Judge Gagliardi concluded that the transcript did not sufficiently meet his requirements, and ordered Assistant U.S. Attorney James W. Rayhill to try to obtain a transcript of the entire conversation and the original tape so that he can authenticate the transcript.

Rayhill told the judge

that he had been in regular contact with Buzhardt, including two conversations today, but that Buzhardt had not yet been able to see the President to seek permission to give the tape to the judge.

Judge Gagliardi also announced he had moved the start of the trial from Jan. 7 to Jan. 9 to facilitate the selection of jurors.

The Feb. 28 tape is not one of the nine conversations subpoenaed by the Watergate special prosecutor. However, it was one of the five subpoenaed by the Senate Watergate committee.

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